

Appl. No. : 09/435,562  
Filed : November 8, 1999

### REMARKS

With this amendment, Claims 99-100 are cancelled, Claims 38-45, 51-98 are amended, and Claims 101-128 are added. Claims 38-45, 51-98 and 101-128 are thus presented for Examination.

#### Rejections Under 35 U.S.C. § 102 and 103

The Examiner has rejected Claims 38-45, 51-62, 65, 67, 72-79, 82 and 83 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 5,853,422 to Huebsch. The Examiner has rejected Claims 67, 68, 84, 85, 94 and 95 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 3,540,431 to Uddin. The Examiner has also rejected Claims 61-66, 72-83, 89-93 and 96-100 under 35 U.S.C. § 103(a) as unpatentable over Uddin in view of Huebsch. The Examiner has also rejected Claims 63, 64, 66, 68-71, 80, 81, and 84-100 under 35 U.S.C. § 103(a) as unpatentable over Huebsch.

Claims 38 and 51 have been amended to recite a containment device comprising, inter alia, an endothelialization membrane at least in part comprising a first membrane, a second membrane, and a bonding layer for bonding the first membrane and the second membrane together. Applicant submits that none of the references cited by the Examiner, alone or in combination, teaches or suggests the unique combination of features recited by the independent claims or any of the dependent claims.

#### New Claims

As indicated above, Applicants have added new Claims 101-128. Support for these claims is found in the specification. Applicants submit that these new claims also include a unique combination of features not taught or suggested by the prior art.

Applicants have copied Claims 110-128 from U.S. Patent No. 6,551,303. Claims 110-128 correspond to Claims 1-8, 10-11 and 14-22, respectively, of U.S. Patent No. 6,551,303, except that the claim dependencies have been changed to reflect the current claim numbering. Pursuant to MPEP § 819, because this amendment is being filed with a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d), should Examiner believe that a restriction

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requirement is necessary, Applicants invite the Examiner to contact the undersigned Agent of Record to discuss an appropriate election.

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### CONCLUSION

Applicants have endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of these amendments and remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested.

Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and/or do not narrow the claims, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language. Furthermore, any new claims presented above are simply additional specific statements of inventive concepts described in the application as originally filed.

If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 2, 2003

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AMEND

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